



**South Carolina Department of Health and Environmental Control**  
*Promoting and Protecting the Health of the Public and the Environment*

# **Regulation 61-25**

# **Retail Food Establishments**

## **Informational Meeting on Proposed Draft**

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## Overall Proposal

- Regulation 61-25 has been drafted to be compatible with the most current version of the FDA Food Code
- Incorporated language to assist South Carolina Shellfish Regulations & South Carolina Meat and Wildlife laws
- Chapter 9 of the proposed Regulation ensures that the Department maintains current diverse food operations and variances that have previously been allowed



## Changes to the old Regulation

- No bare hand contact with Ready to Eat foods
- Cold holding temperatures 41° F or below
- Hot holding temperatures 135° F or above
- Date marking Ready to Eat foods



## Changes to the old Regulation cont'd.

- Plant food cooking 135° F hot holding
- Consumer Advisory for undercooked foods
- Time as public health control
- **Existing** equipment that is not ANSI/NSF approved is acceptable if:
  - approved prior to the new regulation
  - remains in good condition
  - once replace, must be approved



## Changes to the old Regulation cont'd.

- Hot water requirements:
  - 140° F to 110° F general use
  - 110° F to 100° F hand-washing
- Industry can apply for variances which must be proven to meet the intent of the regulation
- A permit document specifying any conditions or provisions relative to that operation



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# South Carolina

## Chapter 9 – Diverse Food Operations

1. Outdoor Pet Dining
2. Certified Wild Mushroom identifiers (specific species)
3. 'Shared' use or 'Incubator' kitchens (*With a system of accountability for all parties involved*)
4. Demonstration foods
5. Special Promotions
6. Farmers Markets and Seasonal Series
7. Mobile Food
8. Temporary / Festivals
9. Immediate outdoor cooking
10. BBQ pit construction



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## No Changes to Current Regulation

- Low risk operations and certain types of private or charitable event permit exemptions remain
- SC inspection grading system





## Delayed Implementation

- Required manager training
  - Full implementation 2 years
  - Low risk operations may be exempt
  
- Cold Holding 41° F / Hot holding 135 ° F
  - Full implementation 2 years
  
- Date Marking (barrier for *Listeria Monocytogenes*)
  - Full implementation 2 years





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## **Not Adopting**

### **Allergens**

Educate

### **Alternative Hand-washing in 3-301.11 (D)**

Difficult implementation for industry  
Lacks uniform compliance

## **Modified Adoption**

### **Demonstration of Knowledge**

Questions for Managers lack clear,  
consistent, or uniform answers

### **Exclusion and Restriction policies**

Aligned to match SC laws



## Implementation

- Education of both the regulators and the regulated community
- Use of existing FDA guides and educational materials
- Creation of a SC specific construction “best practice” guide to assist new facilities with permit compliance
- Development of a new “Field Marking Guide” that will be provided to both the regulators and the regulated community
- More informative meetings; partnering with the SCR & LA, universities & culinary colleges



## Regulation Development Process/Timeframes

- October 10, 2013 - Regulation 61-25 presented to DHEC Board for initial approval
- Four (4) Informational Meetings
- Comment period from October 25 to November 25
- Regulation presented to DHEC Board on January 9, 2014 for Public hearing and final approval
- Regulation submitted to the South Carolina General Assembly (January 2014)
- If approved, the Regulation becomes effective after being published in the State Register (June 2014)



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**Make Comments to:**

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